



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES  
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**ADMINISTRATIVELY CLOSED**

September 13, 2002

**08/05**

**LETTER OF DEFICIENCY #WSEB 02-128**  
**CERTIFIED MAIL 7099 3400 0018 5776 3643**

Darrin Nicoli  
Cool Cones and Pizza Too, Inc.  
23 Route 125  
Kingston, NH 03848

Subject: Kingston - Public Water System: Cool Cones and Pizza Too, Inc. (EPA #1278100)

Dear Mr. Nicoli

The records of the Department of Environmental Services (DES) show that Cool Cones and Pizza Too Inc. water system is classified as a public water system (PWS), as defined by RSA 485:1-a. A PWS is defined as any water system supplying 15 or more services, or 25 or more people, for 60 or more days per year. As such, the water system owner is required to submit bacteria samples to the State laboratory or a State-certified laboratory for coliform bacteria analysis in compliance with NH Admin. Rule Env-Ws 325.

DES records show that the subject water system failed to submit a bacteria sample for the scheduled month of April 2002, and as a result a Monitoring/Reporting (M/R) violation was issued.

In addition, DES records show that the routine bacteria sample submitted for July 2002 was found to contain total coliform bacteria. As a result, a letter dated August 2, 2002, was sent to the water system requesting that four repeat bacteria samples be submitted immediately and five routine bacteria samples be submitted for August 2002. To date, DES has not received the analysis results for any of the requested additional samples. The failure to take the required July 2002 repeat samples resulted in a Notice of Violation letter, dated September 3, 2002, being sent to the system. The failure to submit the five required August 2002 bacteria samples will result in the system receiving another Monitoring/Reporting Violation later this month.

In view of the Monitoring/Reporting violations, DES believes the deficiencies can be corrected by taking the following actions:

**By September 24, 2002**, submit a water sample for bacteria analysis to the state laboratory, or a state-certified laboratory, in accordance with NH Admin. Rule Env-Ws 325; and

2. In the future, submit routine water samples for bacteria analysis during the water system's scheduled sampling months of **January, April, July and October**.

Pursuant to Env-Ws 351, owners of public water systems are required to issue public notification when a system has failed to monitor for bacteriological water quality. DES records show that the water system has failed to perform public notification for the April 2002 and July 2002 monitoring violations.

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Cool Cones and Pizza Too Inc.

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In view of the public notice violations, DES believes the deficiencies can be corrected, and future violations prevented, by taking the following actions:

**By September 24, 2002**, carry out the public notice requirements for the April 2002 and July 2002 sampling violations; and

2. **By October 1, 2002**, provide proof of public notice to DES.

In the event compliance is not achieved within this period, DES may take further enforcement action, including issuing an order requiring the deficiencies be corrected, initiating an administrative fine proceeding and/or referring the matter to the NH Department of Justice for imposition of appropriate penalties.

Please note that the water system's annual nitrate sample result must be received by September 30, 2002, to avoid an additional monitoring/reporting violation.

Please contact Alan Leach by phone at (603) 271-2854 or by e-mail at [aleach@des.state.nh.us](mailto:aleach@des.state.nh.us), if you have any questions regarding this letter.

Sincerely,



Anthony P. Giunta, P.G., Administrator  
Water Supply Engineering Bureau

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cc: Gretchen Rule, DES Legal Unit  
Stamatios Yiokarinis, Town of Kingston Health Officer  
EPA, Region 1